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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 EUGENE EVERETT WELCH,

11 Plaintiff,

No. CIV S-03-0072 LKK JFM P

12 vs.

13 CALIFORNIA DEPARTMENT OF
14 CORRECTIONS, et al.,

15 Defendant.

ORDER

16 Plaintiff, a state prisoner proceeding pro se, has filed this civil rights action
17 seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate
18 Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local General Order No. 262.

19 On July 25, 2007, the magistrate judge filed findings and recommendations herein
20 which were served on all parties and which contained notice to all parties that any objections to
21 the findings and recommendations were to be filed within twenty days. Neither party has filed
22 objections to the findings and recommendations.¹


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25 ¹ On August 1, 2007, plaintiff filed a notice of interlocutory appeal from the findings and
26 recommendations. By order filed September 14, 2007, the United States Court of Appeals for
the Ninth Circuit dismissed plaintiff's appeal for lack of jurisdiction.

1 The court has reviewed the file and finds the findings and recommendations to be
2 supported by the record and by the magistrate judge's analysis. Accordingly, IT IS HEREBY
3 ORDERED that:

- 4 1. The findings and recommendations filed July 25, 2007 are adopted in full;
5 2. Plaintiff's November 6, 2006 response to the court's October 26, 2006 order is
6 construed as a motion for summary judgment and, so construed, is denied; and
7 3. Defendants' January 26, 2007 motion for summary judgment is granted.

8 DATED: September 26, 2007.

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11 LAWRENCE K. KARLTON
12 SENIOR JUDGE
13 UNITED STATES DISTRICT COURT
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